

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6101

BILL NUMBER: SB 96

NOTE PREPARED: May 1, 2009

BILL AMENDED: Apr 29, 2009

SUBJECT: Addiction Counselors.

FIRST AUTHOR: Sen. Lawson C

FIRST SPONSOR: Rep. C. Brown

BILL STATUS: Enrolled

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: *Board Name Change-* The bill provides for a license for addiction counselors. The bill changes the name of the "Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board" to the "Behavioral Health and Human Services Licensing Board" (BHHSLB) and adds members.

Addiction Counselor Licensing- The bill requires addiction counselors and clinical addiction counselors to be licensed. The bill establishes requirements and procedures for an individual to be licensed as an addiction counselor or clinical addiction counselor. The bill prohibits a person who is not licensed as an addiction counselor from using certain titles or certain words in a title.

Procedures & Qualifications for Initial Licensure- The bill establishes interim qualifications and procedures according to which persons already acting as addiction counselors may obtain initial licensure.

Conforming Changes- The bill makes conforming changes.

Effective Date: July 1, 2009.

Explanation of State Expenditures: *Board Name Change-* The Professional Licensing Agency (PLA) would have to change the letterhead on stationary and other informational materials. The Department of Administration would change application forms. Expenditures for these changes would likely be minimal.

Addiction Counselor Licensing- Two members would be added to the renamed BHHSLB. Currently, each board member who is not a state employee is entitled to the minimum salary per diem allowed under law.

Each board member is also entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties. The increase to state expenditures is unknown, but is likely to be minimal.

In addition, the BHHS�B would be required to establish examinations for both addiction counselors and clinical addiction counselors. The BHHS�B would also have to establish rules to establish any additional educational or clinical qualifications as specified by the Council for Accreditation of Counseling and Related Educational Programs.

If the PLA were to need an additional COMOT staff member to process license applications, the additional cost would be approximately \$37,400 per year. This cost would include salary, fringes, and other indirect costs. Any increase in expenses may be offset with new license fee revenue.

Explanation of State Revenues: *Addiction Counselor Licensing-* The annual amount of revenue that would be raised from licensing fees is indeterminable. The bill would grandfather addiction or clinical addiction counselors that hold, before July 1, 2011, a master's or doctorate degree in a behavioral science discipline; a valid Level II or higher certification from a Division of Mental Health and Addiction-approved credentialing agency or certification as an addiction counselor or addiction therapist from a credentialing agency approved by the BHHS�B; has five years experience; has not been convicted of a crime of violence or of a crime that could affect the applicant's ability to practice competently within the last two years; and holds a license as a social worker, clinical social worker, marriage and family therapist, mental health counselor, or psychologist.

Additional exemptions would include individuals with a valid Level II certification from a credentialing agency approved by the BHHS�B; at least 10 years of experience in addiction counseling; and no criminal record that could directly affect ability to practice. Such an individual holding a valid license as a social worker, clinical social worker, marriage and family therapist, mental health counselor, or psychologist with three years experience and suitable criminal record credentials would qualify.

Additionally, the BHHS�B may exempt a person that before July 1, 2011, holds a bachelor's degree in human services or behavioral science discipline; a valid Level IV certification from the Indiana Counselors Association on Alcohol and Drug Abuse; a similar credential from the National Association of Alcohol and Drug Abuse Counselors; 20 years experience; and has not been convicted of a crime of violence or of a crime that could affect the applicant's ability to practice competently within the last two years.

Applicants would pay a fee to be determined by the BHHS�B. Other license types served by the existing board have a \$50 application and renewal fee, and a temporary permit is \$25. The National Association of Alcohol and Drug Abuse Counselors (NAADAC) has 31 and the National Board for Certified Counselors (NBCC) has 28 addiction counselors or therapists listed with an Indiana address.

There are approximately 990 practicing substance abuse/behavioral disorder counselors in Indiana. If a \$50 fee were assessed, then the PLA could raise an estimated \$49,500 initially from addiction and clinical addiction counselors (assuming all apply).

Penalty Provision- A person violating certain provisions of the bill would commit a Class A misdemeanor. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: *Penalty Provision-* A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: *Penalty Provision-* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: PLA; Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; Department of Administration.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: *Indiana Handbook of Taxes, Revenues, and Appropriations*; U.S. Bureau of Labor Statistics; NAADAC; NBCC; PLA; Indiana State Budget Agency: *General and Rainy Day Fund Summaries*, June 30, 2008.

Fiscal Analyst: Chris Baker, 317-232-9851.